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7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2013 - 707

11 **MARY ELLEN SPATZ, AKA MARY**  
12 **ELLEN ABEL SPATZ**  
13 **4321 Kling Street, #37**  
**Los Angeles, CA 91505**

**A C C U S A T I O N**

14 **Registered Nurse License No. 681852**

15 Respondent.

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19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
23 Consumer Affairs.

24 2. On or about June 29, 2006, the Board of Registered Nursing issued Registered Nurse  
25 License Number 681852 to Mary Ellen Spatz, aka Mary Ellen Abel Spatz (Respondent). The  
26 Registered Nurse License expired on October 31, 2007, and has not been renewed.  
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1 the license upon any ground provided by law or to enter an order denying the license upon any  
2 such ground.

3 "(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a  
4 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by  
5 order of a court of law, or its surrender without the written consent of the board, shall not, during  
6 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its  
7 authority to institute or continue a disciplinary proceeding against the licensee upon any ground  
8 provided by law or to enter an order suspending or revoking the license or otherwise taking  
9 disciplinary action against the licensee on any such ground.

10 "(c) As used in this section, >board= includes an individual who is authorized by any  
11 provision of this code to issue, suspend, or revoke a license, and 'license' includes 'certificate,'  
12 'registration,' and 'permit.'"

13 8. Section 141 of the Code states:

14 "(a) For any licensee holding a license issued by a board under the jurisdiction of the  
15 department, a disciplinary action taken by another state, by any agency of the federal government,  
16 or by another country for any act substantially related to the practice regulated by the California  
17 license, may be a ground for disciplinary action by the respective state licensing board. A  
18 certified copy of the record of the disciplinary action taken against the licensee by another state,  
19 an agency of the federal government, or another country shall be conclusive evidence of the  
20 events related therein.

21 "(b) Nothing in this section shall preclude a board from applying a specific statutory  
22 provision in the licensing act administered by that board that provides for discipline based upon a  
23 disciplinary action taken against the licensee by another state, an agency of the federal  
24 government, or another country."

### 25 COST RECOVERY

26 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
27 administrative law judge to direct a licentiate found to have committed a violation or violations of  
28 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and

1 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
2 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
3 included in a stipulated settlement.

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5 **CAUSE FOR DISCIPLINE**

6 (Discipline by the State of Florida Board of Nursing)

7 10. Respondent is subject to disciplinary action under section 2761 subdivision (a)(4) in  
8 that on or about July 8, 2010, a Final Order was issued subjecting Respondent to discipline after  
9 adoption of a Settlement Agreement with the State of Florida Board of Nursing (FBN) in the  
10 administrative matter entitled *Department of Health v Mary Ellen Abel Spatz, R.N., License No.*  
11 *RN 2633692, Case No. 2009-16682*. The Settlement Agreement and Final Order are incorporated  
12 herein in full. The circumstances are as follows:

13 11. On or about August 20, 2009, Respondent was arrested and charged with obtaining  
14 drugs from a physician by withholding information, a third degree felony in the Circuit Court for  
15 Sarasota County in case no. 2009 CF 012224 NC. Respondent entered into a Pre-Trial Diversion  
16 Program (PTDP).

17 12. Respondent's evaluation report from the PTDP found that she was unable to practice  
18 nursing with reasonable skill and safety, and diagnosed her with an opiate dependency rule/out  
19 opiate abuse and depressive disorder. She was recommended to an outpatient substance abuse  
20 treatment monitored by the Intervention Project for Nurses (IPN). Respondent declined the IPN.

21 13. Respondent was alleged to have violated section 464.018 Florida Statutes (2009), by  
22 being unable to practice nursing with reasonable skill and safety to patients by reason of illness or  
23 use of alcohol, drugs, narcotics, or chemicals or any other type of material, or as a result of any  
24 mental or physical condition.

25 13. The Final Decision issued by the FBN adopted the Settlement Agreement on July 8,  
26 2010 and, in summary, ordered as follows:

1 a. Respondent's license be suspended until such time that she enters into the IPN  
2 and complies with any and all terms and conditions of the IPN. At such time, the suspension  
3 shall be stayed and remain stayed so long as the Respondent participates in the IPN,

4 b. Any violation of the IPN shall result in the immediate lifting of the stay of  
5 suspension,

6 c. Respondent shall not violate Chapter 456 or 464 of the Florida Statutes, any  
7 rules promulgated pursuant thereto, or any other state or federal law, rule or regulation relating to  
8 the ability to practice nursing, and

9 d. The FNB is awarded costs.

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11 PRAYER


12 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
13 and that following the hearing, the Board of Registered Nursing issue a decision:

14 1. Revoking or suspending Registered Nurse License Number 681852, issued to Mary  
15 Ellen Spatz, aka Mary Ellen Abel Spatz,

16 2. Ordering Mary Ellen Spatz to pay the Board of Registered Nursing the reasonable  
17 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
18 Code section 125.3; and

19 3. Taking such other and further action as deemed necessary and proper.  
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22 DATED: MARCH 4, 2013

23   
24 LOUISE R. BAILEY, M.ED., RN  
25 Executive Officer  
26 Board of Registered Nursing  
27 Department of Consumer Affairs  
28 State of California  
Complainant

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